

Groundwater Protection Ordinance and a Small Water System

David V. Maudsley – Village District of Eidelweiss

The Village District of Eidelweiss is a residential precinct in the Town of Madison at the southern end of the Mount Washington Valley. Build out is expected to be about 700-800 single family residences with about half of the homes constructed to date. A gravel pack well was installed in 1993 with enough capacity for the expected build out. It is situated on the edge of the Saco-Ossipee basin stratified aquifer, one of the largest such aquifers in the northeast. Long term concerns for the District focused on the proximity of a commercial zone and the former Town dump which are located right on top of the aquifer.

Working through the North Country Council, a NHDES source water assessment grant was used to develop an action plan for prevention of contamination. A key recommendation of that plan, published early in 1999, was to work with the Town of Madison, and the Planning Board to develop a groundwater protection ordinance. A number of obstacles were anticipated since Eidelweiss is the only municipal water system in a Town that has been loath to adopt and enforce zoning. However, there were a number of mitigating circumstances to ease the despair. For example, Madison is strategically located in relation to the aquifer with part of it flowing north towards Conway and south towards Ossipee and the regional responsibilities are difficult to ignore. Second, District concerns over source water protection happened to coincide with the Town's rising angst over a proposed large scale sludge spreading project to reclaim exhausted gravel pits within the aquifer zone itself. The project was abandoned after a public outcry but the need to protect the aquifer was more broadly understood. Third, District residents were very much aware of the importance of protecting the well source to the District so there was a critical mass of people to spread the word to the Town. An additional concern, however, was the virtue of seeking to pass a new ordinance if the political will to enforce it was not there. Fortunately, the Planning Board was already at the Selectmen's throat over the issue of code enforcement. A vigorous education campaign and a coalescing of opportunities resulted in a Groundwater Protection Ordinance being passed by a large majority in March of 2000.

One of the details in the development of the ordinance as it related to Eidelweiss was to extend the aquifer overlay zone to include all of the recharge area for the District well since hydrological studies had earlier shown that some of the recharge area lay outside the aquifer zone. While much of the ordinance is standard boilerplate, it markedly restricts the commercial activities with the aquifer zone and has already impacted two commercial developments. Coincident with the passing of the Groundwater Protection Ordinance, the Town, after several attempts, finally authorized the position of code enforcement officer, so a key reservation of how effective the ordinance will be, has also been addressed.

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